

**HB**

**179**

<TARGET><BILL>HB 179</BILL><SUBJECT>HB  
179</SUBJECT><COMM>HFSH29</COMM></TARGET>

# ALASKA LEGISLATURE

*Representative Jonathan Kreiss-Tomkins*

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Petersburg · Point Baker · Port Alexander · Port Protection · Sitka · Tenakee Springs · Thorne Bay · Whale Pass

rep.jonathan.kreiss-tomkins@akleg.gov

Committees:  
Education  
Fisheries  
Rules  
State Affairs



Juneau, Alaska 99801 (Jan. – April)  
State Capitol, Room 426  
(907) 465-3732

Sitka, Alaska 99835 (May – Dec.)  
201 Katlian Street, Ste. 103  
(907) 747-4665

## Sponsor Statement

### HB 179 – Meal program donations; fish and game

Hunting and fishing is at the heart of our shared heritage as Alaskans. Every Alaskan looks forward to the season he or she can again fill the freezer with salmon, moose, caribou, seal, or berries. Alaskans happily share this food with family, children, and elders.

This sharing is not possible in our public institutions, however. Well-meaning state laws intended to prevent the commercialization of wild game have also largely prevented children in schools and elders in hospitals and senior centers from eating the traditional Alaska foods that we treasure. As a result, even though we are surrounded by some of the best food in the world, our children eat corn dogs rather than caribou at school lunch; our elders are served spaghetti rather than seal.

HB 179 allows public and nonprofit schools, medical facilities, senior centers, and residential child care facilities to accept and serve donated subsistence- and sport-caught fish, game, plants, and eggs in their food service programs. Currently, this is illegal if the food service program accepting the donation charges for the meal at any point before it is consumed. This means schools and senior centers are unable to provide meals containing subsistence- or sport-caught wild food if they accept any payment, including payment from federal or state meal programs.

The bill also ensures traditional wild foods donated to and served by food service programs are safe to eat. The Department of Environmental Conservation already has regulations in place providing for the safe handling and processing of many traditional wild foods. HB 179 affirms the Department's authority to oversee the safety of these foods.

HB 179 will nourish Alaska's children and elders, both physically and spiritually. It will limit the amount of expensive and unhealthy processed food shipped to communities that have incredible food available just a short boat or snowmachine ride away. Children will develop an appreciation where their food comes from and elders will be able to keep eating the foods they love.

29-LS0762\E  
Bannister  
4/7/15

**CS FOR HOUSE BILL NO. 179( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Millett, Ortiz, Kito, Stutes, Muñoz, Wilson, Foster, Nageak

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to donations of certain food items to certain food service organizations**  
2 **and to food banks."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.931. Donation of food items to meal programs.** (a)  
6 Notwithstanding any other provision of this chapter, to the extent consistent with  
7 federal law, a person may donate covered food items to a covered organization or a  
8 food bank.

9 (b) The food items that a person may donate under (a) of this section are

10 (1) lawfully taken game, marine plants, and aquatic plants, or parts of  
11 game, marine plants, or aquatic plants;

12 (2) lawfully taken nests or eggs of fish or game; and

13 (3) fish or parts of a fish, if taken lawfully for subsistence or sport use.

14 (c) A covered organization that may accept covered food items under this

1 section is

2 (1) a public, nonprofit, or private school or child care facility,  
3 including a preschool facility and a head start facility;

4 (2) a public or nonprofit residential child care facility or residential  
5 psychiatric treatment center licensed under AS 47.32;

6 (3) a public or nonprofit hospital, medical clinic, long-term health care  
7 facility, or other medical facility;

8 (4) a senior center facility or a food program for senior individuals.

9 (d) A covered organization may provide meals with the covered food items to  
10 the covered organization's staff and

11 (1) the students attending the covered organization, if the covered  
12 organization is a public, nonprofit, or private school, including a preschool facility and  
13 a head start facility;

14 (2) the patients of the covered organization, if the covered organization  
15 is a public or nonprofit hospital, medical clinic, long-term health care facility, or  
16 residential psychiatric treatment center;

17 (3) the children whom the covered organization provides care for, if  
18 the covered organization if the covered organization is a public, nonprofit, or private  
19 child care facility, or residential child care facility;

20 (4) the senior individuals using the services of the covered  
21 organization, if the covered organization is a senior center or a senior food program.

22 (e) Notwithstanding any other provision of law, a covered organization may  
23 accept state and federal funding for a meal service program of the covered  
24 organization and may charge fees for meals that it provides to its users and staff.  
25 However, a covered organization may not sell its meals to persons other than its users  
26 and staff.

27 (f) In this section,

28 (1) "covered food item" means a food item identified in (b) of this  
29 section;

30 (2) "covered organization" means a facility identified in (c) of this  
31 section;

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- (3) "food bank" has the meaning given in AS 17.20.347;
- (4) "head start facility" means a facility operating as a head start facility under AS 14.38.010;
- (5) "meal" means a meal provided for immediate consumption using covered food items;
- (6) "meal service program" means a program under which a covered organization provides meals to its users and its staff under this section;
- (7) "residential child care facility" has the meaning given in AS 47.32.900;
- (8) "residential psychiatric treatment center" has the meaning given in AS 47.32.900;
- (9) "senior center facility" means a facility that provides senior individuals with services and activities;
- (10) "senior food program" means a program that provides senior individuals with food;
- (11) "senior individual" means an individual who is 60 years of age or older;
- (12) "users" means the individuals identified in (d) of this section.

\* **Sec. 2.** AS 17.20.345(a) is amended to read:

(a) Notwithstanding the provisions of AS 17.20.290, 17.20.305, or 17.20.315, a donor of food for free distribution by a food bank **or a donor of covered food items under AS 16.05.931** is not subject to civil or criminal liability arising from an injury or death attributable to the condition of the donated food **or covered food item** if the injury or death is not a result of the gross negligence, recklessness, or intentional misconduct of the donor.

\* **Sec. 3.** AS 17.20.346(a) is amended to read:

(a) Notwithstanding the provisions of AS 17.20.290, 17.20.305, or 17.20.315, a food bank that receives and distributes food, **including a covered food item under AS 16.05.931, and a covered organization are** [IS] not subject to civil or criminal liability arising from an injury or death attributable to the condition of the food **or covered food item** if

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(1) the food bank or covered organization inspects the food received in a reasonable manner, [AND] finds it to be apparently fit for human consumption at the time of distribution, and, if the food is a covered food item, processes the covered food item as required by the Department of Environmental Conservation;

(2) the food bank or covered organization has no actual or constructive knowledge at the time the food or covered food item is distributed that it is adulterated, tainted, contaminated, or would be harmful to the health or well-being of an individual consuming it; and

(3) the injury or death is not a direct result of the negligence, recklessness, or intentional misconduct of the food bank or the covered organization.

\* **Sec. 4.** AS 17.20.346 is amended by adding a new subsection to read:

(c) In this section, "covered organization" means a covered organization that provides meals under AS 16.05.931. In this subsection, "covered organization" and "meal" have the meanings given in AS 16.05.931.

\* **Sec. 5.** AS 17.20.347 is amended by adding a new paragraph to read:

(3) "covered food item" has the meaning given in AS 16.05.931.

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## Sectional Analysis

### HB 179 version E – Meal program donations; fish and game

**Section 1** allows covered organizations to accept donations of covered food items for use in their meal service programs, and allows covered organizations to accept state funding, federal funding, and fees from staff and users for serving meals containing covered food items. Payment can only be accepted for meals provided to staff and users of the covered organization, not for meals provided to the general public. Users are individuals a covered organization serves.

For the purposes of the section, covered organizations are public or nonprofit licensed residential child care facilities, licensed residential treatment centers, hospitals, clinics, long-term care facilities, other medical facilities, senior center facilities, and senior meal programs, or public, nonprofit, or private schools and child care facilities.

Covered food items include lawfully taken game, marine plants, aquatic plants, parts of game, marine plants, or aquatic plants, lawfully taken nests or eggs of fish or game, and fish or parts of fish lawfully taken for subsistence or sport.

**Section 2** indemnifies donors of covered food items as defined in section 1 from civil or criminal liability arising from injury or death attributable to the condition of the donated food if the injury or death is not a result of gross negligence, recklessness, or intentional misconduct of the donor.

**Section 3** indemnifies covered organizations under section 1 from civil and criminal liability for injury or death attributable to the condition of donated food if the organization inspects the food and finds it fit for human consumption, processes the covered food item as required by the Department of Environmental Conservation, does not have knowledge of the food being adulterated or contaminated, and if the injury or death is not a result of negligence, recklessness, or intentional misconduct on the part of the program or facility.

**Section 4** defines covered organization for the purposes of section 3.

**Section 5** defines covered food item for the purposes of sections 2-4.

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**HB 179 - Summary of Changes ver A to ver E**

- Defines and uses “covered organization” to mean the list of organizations in section 3(4) of the prior version (version A) that are allowed to accept donations of wild food for their meal service programs. Expands the list of covered organizations listed in the prior version to add private schools; public, nonprofit, and private child care facilities, including preschools and head start programs; licensed residential psychiatric treatment centers; a wider variety of senior center facilities; and senior meal programs.
- Defines and uses “covered food item” to mean the food allowed to be donated to a covered organization under section 1 of version A, now section 1(b) of version E.
- Moves definition sections from Title 17 to Title 16. Defines additional terms.
- Removes personal use fish from the list of covered food items that can be donated. This means the status quo rules remain in place for personal use caught fish.
- Makes clear that all game, marine or aquatic plants, and nests or eggs of fish and game, not just those harvested for subsistence or sport, can be donated under the bill.
- Explicitly allows a covered organization to accept state funding, federal funding, and fees from staff and users for meals containing covered food items. Explicitly bars a covered organization from accepting payment for meals provided to people who are not staff or users, including the general public. Users are individuals a covered organization serves.
- Removes the specific language on food safety in Section 4(a) of version A. Discussions with DEC led to the conclusion that this language was better left to regulation.
- Standardizes language between the sections of the bill in Title 16 and Title 17, so that all sections refer to covered organizations and covered food items.
- Moves language on indemnification from liability for covered organizations to the existing section providing indemnification to food banks, rather than creating a separate section.

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## Sectional Analysis

### HB 179 version A – Meal program donations; fish and game

**Section 1** allows fish, game, marine or aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game lawfully taken for subsistence, sport, or personal use to be donated to food service programs at public or nonprofit schools, medical facilities, multipurpose senior centers, and residential child care facilities.

**Section 2** indemnifies donors of fish, game, or other traditional foods to food service programs from civil or criminal liability arising from injury or death attributable to the condition of the donated food if the injury or death is not a result of gross negligence, recklessness, or intentional misconduct of the donor.

**Section 3** defines the terms fish, food service program, game, medical facility, multipurpose senior center, other traditional food, and residential child care facility.

**Section 4** describes the food safety procedures a food service program must follow when processing foods donated under section 1. These are:

- Ensuring the donated fish and game is received whole, gutted, gilled, as quarters, or as a roast, without further processing;
- Making a reasonable determination a donated animal was not diseased, that it was dressed, transported, and stored to prevent contamination, and that it will not cause a health hazard or potential for illness;
- Processing the donated food at a different time or in a different space than other foods;
- Cleaning and sanitizing surfaces and equipment after handling donated food;
- Labeling the donated food with the name of the food;
- Storing the donated food separately from other food;
- Following federal, state, tribal, and other food safety laws.

Subsection (b) of section 4 indemnifies food service programs or facilities that accept donations under section 1 from civil and criminal liability for injury or death attributable to the condition of donated food if the program inspects the food and finds it fit for human consumption, does not have knowledge of the food being adulterated or contaminated, and if the injury or death is not a result of negligence, recklessness, or intentional misconduct on the part of the program or facility.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 179  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB179-DEC-FSS-04-03-15  
Title: FOOD PROGRAM DONATIONS; FISH AND  
GAME  
Sponsor: KREISS-TOMKINS  
Requester: House Fisheries Committee

Department: Department of Environmental Conservation  
Appropriation: Environmental Health  
Allocation: Food Safety & Sanitation  
OMB Component Number: 2343

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>	<b>FY 2016</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2016) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	<u>Elaine Busse Floyd, Director</u>	Phone:	(907)269-7644
Division:	<u>Environmental Health</u>	Date:	04/03/2015 10:00 AM
Approved By:	<u>Alice Edwards, Deputy Commissioner</u>	Date:	04/03/15
Agency:	<u>Department of Environmental Conservation</u>		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. HB 179

**Analysis**

**Analysis/Assumptions:**

HB 179 allows for the donation of fish and game to food service programs and limits the the liability of food donors to these programs. This proposed bill does not change how the Department of Environmental Conservation, Division of Environmental Health currently addresses donated traditional food sources in public food programs because existing regulations allow for donated food to be served at food service programs. There will be no fiscal impact to the Department as a result of this bill.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 179  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB179-DFG-CO-04-02-15  
Title: FOOD PROGRAM DONATIONS; FISH AND  
GAME  
Sponsor: KREISS-TOMKINS  
Requester: House Special Committee on Fisheries

Department: Department of Fish and Game  
Appropriation: Administration and Support  
Allocation: Commissioner's Office  
OMB Component Number: 2175

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>	<b>FY 2016</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2016) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version.

Prepared By: Ben Mulligan, Legislative Liaison Phone: (907)465-6137  
Division: Commissioner's Office Date: 04/03/2015 12:40 PM  
Approved By: Sunny Haight, Administrative Services Director Date: 04/03/15  
Agency: Department of Fish & Game

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA**  
**2013 LEGISLATIVE SESSION**

**BILL NO.** HB 179

**Analysis**

House Bill 179 would allow people to donate legally harvested fish, game, marine or aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game for subsistence, sport, or personal use to a food service program as defined in the bill.

Allowing for the donation of these types of harvested fish and game resources would not have a fiscal impact upon any of the department's programs and/or operations.

## SECTIONS

## Health

# Looking for new ways to promote old foods may improve Alaskans' health

Yereth Rosen | Alaska Dispatch News | September 27, 2014

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Isty Hlasny, Sunny Alexie, Isabelle Hlasny, Paul Hlasny and Ida Alexie strip leaves from wild rhubarb at their fish camp on the Kuskokwim River near Bethel, AK this summer.

*Bob Hallinen / ADN*

Dangling on branches and scenting the woods in the middle of Alaska's biggest city are some deep-red nutritional superstars. The tangy, strong-scented high-bush cranberries that grow wild on the Alaska Pacific University campus and across much of the Alaska landscape hold antioxidant loads that are more than seven times those found in commercially cultivated blueberries.

Those berries aren't the only health-food superstars to be found in Alaska. Some may seem a bit unlikely, like tart, tender, light-green spruce branch tips, which are packed with vitamin C. Or dandelions, that lowly weed furiously yanked out and discarded by gardeners, which is edible from its yellow flower all the way down to its roots. They're known to hold high nutritional value and compounds that relieve muscle fatigue, as well as other benefits -- but many aren't aware of their nutritional benefit, much less that they're edible at all.

"People say, 'You can eat dandelions?'" said Peggy Hunt, an Alaska state agronomist who likes to put the bright flowers on muffins and who led a plant tour during an Alaskan Plants as Food and Medicine conference held in August at APU.

Other wild plants sprouting along the APU ski trails and elsewhere in Anchorage are also packed with nutritional and cell-protecting antioxidant qualities. Among the other edible and medicinal flora pointed out during the conference are the Cow parsnip, otherwise known as wild celery, a naturally low-calorie vegetable, and pineapple weed, also known as Alaska chamomile, "a chill-out plant," in the words of wild-foods expert Gary Ferguson, a naturopathic doctor who helped lead the tour.

The nutritional benefits of wild and local foods traditionally used by indigenous peoples have been touted for decades. Medical providers have made such claims since at least the 1930s, when dentist Weston Price traveled the world to examine the dietary habits and health of indigenous and isolated populations. Though he made generalizations about "primitive" cultures that are cringe-worthy now, he was seen in his time as an advocate for Native people.

In northern Alaska, Price found "strong, rugged babies" and "magnificent health of the child life," according to his 1939 book, "Nutrition and Physical Degeneration."

The story was similar in northern Canada, Price wrote. "The physiques of the Indians of the far north who are still living in their isolated locations and in accordance with their accumulated wisdom were superb," he wrote.

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But once Native people started eating "store grub," tooth decay and other health problems followed, Price said. Take arthritis: "We neither saw nor heard of a case in the isolated groups. However, at the point of contact with the foods of modern civilization many cases were found, including 10 bed-ridden cripples in a series of about 20 Indian homes," he wrote.

There is a growing body of hard science to back up that conventional wisdom about the superiority of traditional wild foods.

Alaska seaweeds and sea plants, part of some traditional Native diets, have extremely high antioxidant and anti-inflammatory potency while showing promise as obesity-prevention agents, too, according to research by North Carolina State University's Plants for Human Health Institute.

Seaweeds gathered from Sitka, with the high levels of phytochemicals built up in tough natural conditions, appear to hold qualities that prevent the conversion of complex carbohydrates and dietary fat into high blood sugar and body fat, said Josh Kellogg, a North Carolina State doctoral candidate who's examining Alaska plant compounds and their ability to prevent what doctors call "metabolic syndrome," the web of interrelated ills from obesity and sugar overloads. The seaweeds, especially brown varieties like the puffy species bladderwrack, achieve these results by blocking digestive enzymes, similar to the mechanisms of the anti-obesity and anti-diabetes drugs Acarbose and Orlistat, Kellogg said.

"If they block your digestion of fats, they block your digestion of starches. You won't even take them into your bloodstream," he told attendees at the plants conference.

## Boon of seaweed and berries

Early research also suggests the seaweeds have compounds that shrink the size of lipids in fat cells, Kellogg said. Large lipid droplets tend to adhere to cell surfaces and lead to metabolism problems, insulin resistance and, ultimately, Type 2 diabetes, Kellogg said. But small droplets could result in better metabolism of fat -- more burning for energy and less storage -- meaning smaller fat cells and reduced risks for obesity and diabetes, he said.

"Seaweed from Alaska has a great potential to offset complications of obesity and diabetes," he said.

While some Alaska commercial fishermen already do a brisk seasonal business harvesting herring-egg-covered kelp for customers in Japan, where roe-on-kelp is considered a delicacy, few Alaska seaweeds and sea vegetables wind up in commercial food markets.

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Many wild Alaska berries pack more antioxidant punch than their commercially cultivated counterparts, according to several studies. A study by North Carolina State's Plants for Human Health Institute, published in 2013, found that while cultivated cranberries and blueberries are good sources of antioxidant and anti-inflammatory compounds, the wild Alaska versions are superior.

Even berries stored for a year or more retain nutritional power. Wild berries from interior Alaska, particularly lingonberries, scored high in antioxidants, even after being frozen 20 months, according to a University of Alaska Fairbanks study published in 2006. A Finnish study, presented in 2013, said cloudbberries appeared to fight tumors in laboratory mice.

Protein-rich wild salmon, a key to traditional diets in Alaska, are well known for high levels of healthy omega-3 fatty acids, which help regulate cholesterol, among other benefits. One study published last year in the *Annals of Internal Medicine* said omega-3 fatty acids aid longevity. That study, based on long-term research of 2,700 Americans who had reached their 70s, found that those with the highest omega-3 levels lived 2.2 years longer while cutting their risk of cardiovascular disease by about a third.

Wild salmon generally provides much more nutritional benefit -- and less contaminant risk -- than farmed salmon, according to several studies, including one published in 2005 in the *Journal of Nutrition*.

Wild Alaska fish can also be a valuable source of Vitamin D for northerners who, because of sparse winter sunlight, are vulnerable to deficiencies. According to a recent UAF-led study of western Alaska Yupik residents, fish supplied more than 90 percent of dietary vitamin D -- enough to provide sufficient year-round levels -- even though traditional wild foods accounted for only 22 percent of residents' caloric intake.

Seal oil, a staple of some indigenous diets in the circumpolar north, appears to stave off cardiovascular disease, too. A 2011 study led by researchers at Norway's University of Tromsø found that mice fed a combination of seal and olive oil were less likely to develop atherosclerotic lesions, spots of damaged tissue that harden arteries and lead to heart disease. That adds to a body of work that goes back to a landmark 1994 study of Athabaskan and Yupik residents 40 and older that found those who ate seal oil or salmon daily had lower diabetes risks.

## New ways to promote old foods

For Ferguson, an Aleut who grew up in Sand Point and heads the wellness and prevention program at the Alaska Native Tribal Health Consortium, spreading the message of wild foods' benefits has been a passion.

He helps organize culture camps that teach village kids about their regional traditions, including wild-food diets. He serves on the boards of the Aleut Corp. and its nonprofit arm, the Aleut Foundation, where he strives to bring health considerations to corporate business decisions. And he helps run an educational project at ANTHC called Store Outside Your Door, which enlists Alaska leaders, elders and assorted local-food enthusiasts as cooking and nutritional instructors. Several webcasts produced by Store Outside Your Door feature celebrity Alaska chef Rob Kinneen, showing viewers how to make such dishes as wild duck risotto, Alaska fresh rolls, tossed salads made from beach greens and other traditional foods "with a contemporary twist," as its website puts it.

The projects, said Ferguson, are "teasing out bits of wisdom from the past ... as protective today as it was thousands of years ago." In practical terms, he said, he and his colleagues want to make wild foods desirable to avoid shaming or "guiting" people and to coax incremental steps toward healthier lifestyles, like encouraging people to mix wild berries in recipes or try to include wild or local food in at least one meal a day. "It's a combination of small changes over time," he said.

Contact Yereth Rosen at [yereth@alaskadispatch.com](mailto:yereth@alaskadispatch.com).

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## SECTIONS

## Food &amp; Drink

# Shannon Kuhn: 'Store Outside Your Door' looks at nutritional value of traditional Alaska foods

Shannon Kuhn | March 28, 2014

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Photo courtesy ANTHC

Dr. Gary Ferguson is on a lifelong journey to learn how to use plants as food and medicine.

Ferguson, who is Aleut, is a naturopathic doctor and the director of wellness and prevention programs for the Alaska Native Tribal Health Consortium. He is one of the leaders of the ANTHC initiative called "The Store Outside Your Door," an effort to educate people about the nutritional benefit of Alaska's traditional foods, and compel people to bring them back into their homes and kitchens.

Following the motto of "Hunt, Fish, Gather, Grow," the program encourages people to forage, farm, hunt, fish and preserve the food resources where they live.

There are now almost 40 **"The Store Outside Your Door" episodes on YouTube**. Around three minutes long, each video features people from different Alaska communities talking about their traditions. They often share a tasty recipe too -- from abalone and sea cucumber fried rice in Hydaburg to bearded seal oil (misigaq) in Barrow.

The "Gather, Grow" part of the tagline is what the team has been focusing on for the last year.

"We are working on growing that effort because elders have been telling us as we travel that they'd like to know more about their plants," Ferguson said.

Traditionally, Alaska Native people lived off of the land and the bounty surrounding them: berries, plants, caribou, deer, moose, seal and whale. The team has found that many Alaska elders remember harvesting and using certain plants growing up, but fewer and fewer people know how to use them today. Over the past 200 years, much of that knowledge has been lost in the transition to a cash-based economy. Alaska imports over 90 percent of its food, and processed foods have disproportionately affected the health of Alaska Natives. Today, the top food and beverage items consumed in rural Alaska include soda, Hi-C, fruit juice, canned soup and milk. Heart disease, cancer, and diabetes are among the leading causes of death among Alaska Natives.

Ferguson and ANTHC are trying to capture traditional knowledge of local foods before it slips away. "The knowledge is still alive, it just needs to be rediscovered," Ferguson said.

Elders are viewed as the local experts in the community and a key part of any community's success. "A culture disconnected from their elders is going to be sick. This is a fundamental quality of wellness," Ferguson said.

Ferguson sees the power of "The Store Outside Your Door" program as its way of getting away from the "trauma-drama" of bad things happening and focusing on the good instead. "When you talk about food you can't help but celebrate," he said. "We aren't being preachy, but modeling healthy behaviors."

"The Store Outside Your Door" team is currently visiting the North Slope and Northwest Arctic to highlight the plants traditionally used by the Inupiaq. Ferguson will return to Barrow in April to present at the North Slope Borough's Health Summit.

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Ferguson started making the connection between food and health when he was a child growing up in Sand Point, harvesting beach greens and eating seal oil. As an EMT in Cold Bay, he was surprised with a swell of losses that he felt were preventable. "So many emergencies aren't emergencies at all, they are lifestyle choices that can actually be kept in check."

His work with traditional plants as food and medicine is connected to his own roots and self-discovery. "It is my own journey of 'Store Outside my Door,'" he says.

Sand Point elder Nora Newman puts it best in the "Pidarki (Chiton) Salad with Ribbon Kelp" episode.

"When the tide is low, the table is set."

Shannon Kuhn lives in Anchorage, where she writes about food and culture.

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**To:** Mills, Cori M (LAW)  
**Cc:** Peterson, Darwin R (GOV)  
**Subject:** RE: Subsistence Foods in Schools

**From:** Mills, Cori M (LAW) [<mailto:cori.mills@alaska.gov>]  
**Sent:** Thursday, March 26, 2015 8:01 AM  
**To:** Reid Magdanz  
**Cc:** Peterson, Darwin R (GOV)  
**Subject:** RE: Subsistence Foods in Schools

Reid,

You asked whether state law allows a school, hospital, long-term care facility, residential child care facility, or senior meal program to accept donations of non-commercially caught fish and game for use in a food service program. You asked us to address at a minimum:

- A case in which the entity in question charges the students, patients, children, or seniors for the meals provided (e.g., a school lunch program that charges students, as well as accepts federal school nutrition money), and
- A case where the meals are free to the recipient but paid for by a third party (e.g., where a regional corporation pays for preparation and delivery of meals to seniors in a village).

Our response follows.

The sale of non-commercially caught fish and game (i.e., fish and game harvested under subsistence, sport, or personal use regulations) is generally prohibited under current state law. *See* AS 16.05.920(a) (“Unless permitted by AS 16.05 — AS 16.40 or by regulation adopted under AS 16.05 — AS 16.40, a person may not ... sell, offer to sell, purchase, or offer to purchase fish, game, ... or any part of fish, game”); 5 AAC 01.010(d) (“Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken fish”); AS 16.05.940(29) (defining “sport fishing” as taking “for personal use, and not for sale or barter”); AS 16.05.940(26) (defining “personal use fishing” as “taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter”); 5 AAC 75.015 (“No person may buy, sell, or barter sport-caught fish or their parts”); 5 AAC 77.001 (stating that for personal use fisheries, “since the sale of fish is not appropriate or permissible, this fishery cannot be classified as commercial”); AS 16.05.940(29) (defining “subsistence uses” as “noncommercial, customary and traditional uses ... [including] for the customary trade, barter or sharing for personal or family consumption”); state regulations allow customary trade of fish in only two areas of the state: salmon in Norton Sound and herring roe on kelp in southeast Alaska); 5 AAC 92.200(b)(8) (prohibiting the sale of most game meat).

These statutes and regulations prohibit sales of non-commercially caught fish and game by the original taker of the resource as well as later transactions between persons or entities where the non-commercially caught fish and game is exchanged for payment. In your examples, where a school received payment from students or a third party for meals that included non-commercially harvested fish or game, or a meal provider received payment from anyone for meal delivery, those exchanges likely would be considered a prohibited sale or purchase of the fish or game.

In contrast to fish or game taken under sport or personal use regulations, which generally are for the personal use of the harvester, subsistence caught fish and game may be donated if the donation or sharing is a customary

and traditional use of the fish and game. However, as explained above, state law does not allow the recipient to exchange the subsistence caught fish or game for payment.

We hope this email answers your questions. Please do not hesitate to contact us with additional questions or concerns.

Thank you.

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CENTRAL COUNCIL

*Tlingit and Haida Indian Tribes of Alaska*

Edward K. Thomas Building

9097 Glacier Highway • Juneau, Alaska 99801-6922

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April 7, 2015

To: Chair of House Fisheries Committee  
Representative Louise Stutes  
State Capitol  
Juneau AK, 99801

Re: HB 179- Meal Program Donations; Fish and Game

Dear members of the House Fisheries Committee,

Central Council Tlingit and Haida Indian Tribes of Alaska (Central Council) is the State's largest federally recognized tribe, representing almost 30,000 tribal citizens worldwide. Central Council has many political priorities and provides numerous client services, but our children and elderly are of the utmost importance to our Tribe and tribal citizens. Our people have consumed traditional foods for thousands of years before statehood. The foods provided in public schools, medical facilities, senior centers, and child care facilities use low quality processed foods. The high costs of energy and transportation in rural Alaska also contributes to the complications surrounding the regulation restricting traditional food donations to public facilities.

The ability for elders to continue to eat the traditional foods they've eaten their whole lives while living in assisted living homes is a very important issue to our tribal citizens. Our people have provided for our elderly since time immemorial. The inability for assisted living homes to receive and distribute our subsistence donations causes a serious detriment to our elderly connecting to their land, communities, and families.

We also prioritize our youth growing up consuming the traditional foods that our ancestors survived on. School lunches are not known for its health benefits or appetizing qualities; being able to donate traditional fish and game would be beneficial to all students. The appreciation we have to our land is directly related to consuming the fish and game that the land provides. Our past generations were raised on traditional foods, and it is important to Central Council that our youth continue our cultural traditions in order to revitalize our cultural knowledge.

We urge all State representatives to sincerely consider this bill. Central Council believes that this bill would benefit all Alaskan children, elders, and other residents who consume food provided by public facilities. Alaska's youth and elderly deserve

high quality nutrition rich foods, and HB 179 fixes the regulation that prohibits community members from donating subsistence harvests to public facilities. As the State faces significant budget shortfalls, representatives need to take advantage of opportunities to save money while providing a much-needed service.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Peterson".

Richard J. Peterson  
President